

Thus, even in election politics, the National Conference dominates and possibly shall dominate in future.

The politics of State-Centre relations, usually takes the form of complete merger or full integration and as against it full autonomy on the part of Kashmir leadership. Praja Parishad and mostly, non-Muslim population from Jammu have been demanding full integration of the State with India—the position with regard to the National Conference politics has emphasised the preservation of Article 370 or internal autonomy. Even Bakhshi Ghulam Mohammad, late Prime Minister of Jammu and Kashmir, once remarked that Article 370 be abrogated on his dead body. Writes Manzoor Fazili,

“Leadership usually endows its actions with legitimacy and the Sheikh tried to justify the action as the Prime Minister uptill 1953. On the 7th August 1953, he said that if the accession was dissolved, the responsibility would be wholly of the Communalists who by demanding a complete merger with India, had shaken the foundations of Indo-Kashmir relations.”⁵

The process of integration by Government of India continues, the slogan by the Jammu people still persists and the resistance to the complete merger of Jammu and Kashmir with India also holds out. This politics, naturally dominates, at least at the domestic level by the National Conference—The National Conference continues to attract the Indian press and leadership to focus on the personality of the Sheikh and its organization. The raids on big businessmen by the Central Income Tax authorities was provoking for the Sheikh and his followers. The Sheikh challenged the authority of the Central taxation officers to raid the business class of Srinagar on the plea of Article 370. Later eleven business magnates challenged the

5. Manzoor Fazili, *Kashmir Government and Politics*, Gulshan, Srinagar, 1982, p. 120.

authority of the Central Taxation in the Highcourt of Jammu & K. and the officers of the taxation filed writs against the businessmen in the Supreme Court. In all the writs the Taxation laws were challenged.⁶ The politics of Central laws and the State laws are also now fought between Delhi and Srinagar. Where will this politics lead to is for the future to determine but the fact remains that the National Conference intends to fight at every level, whether Centre-State relations, merger, law, commerce, business and any other aspects of State life.

This politics of the National Conference, dominating as it is, leaves its impact on all walks of life. It has an impact on business, trade, jobs, agriculture, forest, education and associations, groups and communities of very sort. For example even in Jammu where the National Conference may feel uneasy can create problems as wrote Indian Express :

“The disaffection between the Ruling National Conference and the Congress (I) in J & K, which recently turned into public criticism of each other at the political level, has resulted in the division of the State-Central Labour Union.

While one group led by Mr. Madan Sharma, SCLU Secretary owes allegiance to the State Congress (I) the other group led by Mr. Ram Lal, President is pro-National Conference.

The Congress (I) led group which claims support of a majority of the 36 industrial units and continues dharna and hunger strike at the Jammu Silk Factory and Miran Saheb Rosin Factory even after wages committee announced the grant of bonus and raise in salary for the workers of the J & K Industries Ltd., has expelled Mr. Ram Lal from the Union.

6. *The Aftab*, Daily, Srinagar, September 29, 1981.

The group had at its meeting on May 15, 1980 called to review the token strike in various units of JKI in Jammu, found at least that Mr. Ram Lal had forfeited the genuine demands of the thousands of workers."⁷

The politics of today demands that the welfare of the people is prior to all other issues whether domestic or international. There is hardly any government which, in modern times, would not in their commitment have economic programmes. The National Conference is committed to socialist economy, which the Sheikh and National Conference leadership, reiterated from time to time. The Sheikh said,

"We reiterate that the government shall raise the standards (economic) of the people and we are committed to it. We are taking steps towards this end and we assure the people that our struggle was not aimed at the capture of power but the welfare of the people."⁸

The governments policies with regard to the economic progress were, in their nature aiming at the increase of the standards of the people, since the National Conference assumed office in 1975. The booklet issued by the State Information Department explains in detail the economic changes that took place during the years 1975-79. It claimed that while there is increase of 446 per cent in plan expenditure in the Sixth Plan as compared to earlier Plan, the plan in its second phase has had to expend 1.18, million Crores.⁹

The National Conference might dominate politics at all levels but it is not immuned from factionalism and discords. Factionalism within its own party and discords with other parties and in particular Congress (I) are discernible from

7. *The Indian Express*, May 20, 1980.

8. *The Aftab*, Daily, Srinagar, November 8, 1977.

9. Kaula-Fail, State Information Department, Govt. Press, Srinagar, 1979 December, p. 7.

time to time. The National Conference and the Sheikh had to face factionalism within the party. Thus Late Mirza Afzal Beg had to resign and go to find a party known as Inqilabi National Conference. Further on the same factionalism Mr. Mohiuddin Malik, Speaker of the Legislative Assembly, had to loose speakership as he had sided Beg in the power struggle of the party. The Sheikh alleged that Beg used Speaker for defections in the legislature. The Sheikh charged Mirza Beg that the latter had used Malik, the Speaker as, "a tool" to bring defections in the party during the elections to the State Legislative Council.¹⁰ The controversy between the ruling National Conference and the Congress (I) in Jammu and Kashmir apparently reached fever-heat with intensification of the campaign against each other by the parties from time to time.¹¹

The Chief Minister, Sheikh Mohammad Abdullah, adheres to the Kashmir Accord of 1975, seems to feel that the State Congress (I) campaigns against him and his National Conference is aimed at creating a situation so that the 1953 drama was repeated. At different public utterances Sheikh Abdullah expressed deep chogrin over the working of the State Congress (I) in relation to the State's ruling party. At Kangan he once said that an attempt was being made to create a sense of uncertainty in Jammu and Kashmir so as to give interested elements a handle to grab power.¹²

The Chief Minister was also piqued by the allegation made by the Union Home Minister Mr. Zail Singh in Jammu that the National Conference had reached a secret understanding with communal forces like B.J.P. The Sheikh forcibly refuted

10. *The Indian Express*, Sept. 28, 1978.

11. *Ibid.*, July 14, 1980.

12. *Ibid.*

the allegation that time and offered to resign if the charge was substantiated. In case it was not, he wanted Mr. Zail Singh to resign.¹³

Though other opposition parties in J & K like the Awami Action Committee, the Peoples Conference, the Congress, the Janata Party and sometimes Inqilabi National Conference and other organizations have been critical of the Sheikh and his government, the Kashmir leader seems to get incensed when the State Congress (I) talks in a critical manner or tone. It is really surprising that though there is an ideological affinity between the National Conference and the State Congress (I) yet two parties from time to time opposed each other.¹⁴ A political analyst wonders at the ups and downs that usually erupts the relations of a couple wedded together.

During the Janata Rule at the Centre, the State Congress (I) functioned on a low profile. Since January, 1980, however, when the Congress (I) was voted to power at the Centre, it assumed a highly critical attitude towards Sheikh Abdullah and his government. And since the Congress is in power at the Centre, the National Conference had and even now has misgivings about the aim of the campaign launched by the State unit of the party. And by openly challenging the Congress (I), the Sheikh according to observers wanted among other things to restore confidence among his associates, National Conference workers and the people. The State Congress (I) leaders have been repeatedly saying that the aim of their criticism of the government was to voice peoples' grievances and not to topple the Sheikh government. The Congress Chief, Mufti Mohammad Syeed, and his colleagues describe Sheikh Abdullah's fears as an attempt to divert peoples attention from the real issues.¹⁵

13. *Ibid.*

14. *Ibid.*

15. *The Indian Express*, R.K. Kak, July 14, 1980.

The factors that contributed to have influenced Sheikh Abdullah from time to time to retaliate forcefully are,

- (i) he wants to retain his mass base and keep his government anchored in the contended hearts of the people;
- (ii) he did not like to give an impression of getting cowed down by the Congress (I) campaign. Instead he gave them the impression that he could hit back with greater vigour.

On the other hand the State Congress (I) leaders' pronouncements, their criticism of Sheikh Abdullah and his government was mainly aimed at strengthening their party base in J & K. According to them by highlighting the problems of the people and by raising issues like soaring prices, alleged political interference in the administration and corruption the party would gain mass support. Evidently they had an eye on the next Assembly elections whenever they are held in the State. However, for the Congress (I) this mass support is not forthcoming.

During the years of Sheikh's power the Congress (I) has not been able to dislodge him so far. Even according to Congress (I) sources the Centre is not interested in dislodging the Sheikh government. It is believed that early elections will enable the Sheikh to use the situation in the same way as he did in 1977, when the Congress withdrew its support to him in the Assembly. This had necessitated imposition of Governor's rule in the State which was followed by fresh elections which gave the National Conference an overwhelming majority in the 76 member State Assembly. Besides, it is argued that any attempt to dislodge the Sheikh before the present Assembly runs its full term may create complications.¹⁶

This kind of Sheikh's political potency compelled the

16. *Ibid.*

Congress (I) to make alliance on the eve of elections to the Parliament in January 1979 with the National Conference. The Sheikh, except the seat of Devi Dass Thakur in Udhampur swept elections and secured success to his candidates.

This was predicted by the Indian Express in the following words :

"But when all is said and done, the personality of Sheikh Abdullah, the star campaigner of the ruling party, is ultimately going to sway the electorate in the valley (two constituencies) in favour of National Conference candidates. The failure of the opposition to put up common candidates has also strengthened the hands of the National Conference. In the valley, the main opposition to the ruling party seems to come from urban areas. But the rural voters, who constitute 75% of the total electorate, are, by and large, favourably disposed towards the Sheikh who has been instrumental in introducing Agrarian Reforms of a far-reaching character."^{16a}

The National Conference and in particular the Sheikh understands well the sentiment of the people. He looks to the passion of the people and not to the law and order in the State, which is partly the concern of the Congress (I). The Congress (I), as was alleged by the National Conference from time to time tried to grab the power by disturbing the law and order position in the State. The National Conference at the same time was able to maintain the law and order problems with stern hands. Whether, communal type of disturbance, or the disturbance created by Jamiat-i-Tulba or by any other party like Peoples League or Students strike on 'hike in prices, or restive college and university Campus, the National Conference government controlled the situation whenever the exigencies demanded. The J & K Chief Minister, Sheikh Mohammad Abdullah, who after his meeting with

16-a. *The Indian Express*, December 27, 1979.

the Prime Minister of India in July 1980, talking to the workers of the National Conference in the Mujahid Manzil said,

"as a border State there was greater need for maintaining law and order and stability in J & K. A congenial atmosphere is also needed for the execution and promotion of development works. During the last few years much progress had been made in the State's economic conditions. But vested interests particularly the State Congress (I) wanted to disturb the law and order situation and dreamt of toppling the present government in the State. You must remain united and defeat the machinations of these elements in order to promote democratic values. The government is determined to quell all attempts to threaten law and order—we shall not be swayed by it."¹⁷

The opposition leaders and parties, from time to time, charged the National Conference and its leadership of committing to communalism. Dr. Karan Singh, and M.P., ex-Central Minister from Jammu, accused the ruling National Conference of indulging in "vicious communal propaganda." In a press release in May 1980, from the palace, he stressed that the development of Doda district could be speed up only when it was made accessible for tourist traffic, if Bhadarwah-Chamba Road and Kishtwar-Cinthan Road were completed. He said that the state government was deliberately dragging its heels and not taking up the Bhadarwah-Chamba Road in right earnest. However, when the Congress (I) leaders, and the national press accused the National Conference for allowing communalism in the State to flourish and permitting 'Islamic Meet' to hold conferences in Srinagar the National Conference government decided to ban it. The Sheikh at this juncture said before the prominent citizens that his government had made the suggestion to the local hosts of the Conference, Jamiat-i-Islami, to postpone it and when it was not agreed

17. *The Sunday Standard*, July 27, 1980.

the government did not permit it to hold the Conference.¹⁸ The Sheikh, further, from time to time reiterated that he was committed to secularism. He said that "disunity on the basis of language, religion, creed or caste was bound to jeopardise our freedom."¹⁹

Since the assumption of power by the National Conference it played a politics of law. For example, immediately after some time the legislature had to pass Public Safety Act, followed by J & K Ordinance to deal with communalism. Later Anti-defection Bill was passed followed by Resettlement Bill of great controversy—the controversy still persists. The Public Safety Act was passed by the Sheikh government after the style of Preventive Detention Act. Though the bill was not appreciated by the opposition yet it did not become controversial. When L.K. Jha, then Governor of the State promulgated an Ordinance, known as the Criminal Law (amendment) Ordinance to "effectively check" communal incidents and provide for "deterrent punishment to anti-social element",²⁰ it was vehemently criticized. Under this Ordinance, amendments have been made in the State Penal Code, known as the Ranbir Code. Altogether, 12 sections of the Code have been amended. Though the ordinance was not criticized by the opposition on the grounds of checking the communal tendencies, but mostly on the position of the press under the law was heavily attacked. The scope of section 153-A which provides for dealing with offences like promoting enmity between different groups on grounds of religion, race, place of birth, language and the like, has been widened to "cover such offences committed through the press media."²¹

18. *The Indian Express*, August 1, 1980.

19. *Ibid.*, September 8, 1980.

20. *Ibid.*, August 24, 1980.

21. *Ibid.*,

Anti-defection Bill was also passed in September 1980 and the Sheikh's party tried to persuade the Speaker to expel the erring M.L.A. Mian Bashir, in accordance with the provisions of the Bill, which he did not act upon. Consequently, the Speaker was removed. Mr. Balraj Puri, socialist leader, filed a writ petition in J & K High Court, challenging the constitutional validity of the Act. The petition filed through his Counsel maintained that the impugned law violates the provisions of the Constitution of India regarding Fundamental Rights and the tenure of legislators. The law disqualifies a member if he resigns from the party on the ticket on which he was elected or if he disobeys the whip of the party. This according to the petition, abridges the fundamental rights of the petitioner, with regard to forming associations and persuading any legislator to join his party. The petition also prayed that conditions of disqualification of members and the tenure fixed for him could not be altered without a constitutional amendment.²² Later, the case was brought to the notice of the Supreme Court of India and Mian Bashir was permitted to stay in the House till judgement could be delivered and so far it has not been accorded.

Lately, Resettlement Bill, pending with the Governor of the State has become a matter of controversy. Wrote Inder Malhotra in the Times of India,

"But the issues that has fouled the atmosphere the most is the Bill passed by the State Assembly to allow the return to J & K of the "State subjects" who migrated to Pakistan 35 years ago and have since become Pakistani Nationals."²³

Enough of debate has ensued since the bill was passed. The Sheikh and the National Conference is adamant to get it through and the Governor and Central Government reluctant to see it enforced. One is constrained to believe that the

22. *Ibid.*, January 15, 1980.

23. *The Times of India*, June 3, 1982.

bill will have the same fate as that of the appointment of Chief Justice which at time had become controversial. The fate means "sleep over"—when and if required talk about it. However, the fact remains that the Sheikh by these legal controversies, has placed the National Conference at the grass roots. Consequently, he (Sheikh) and his party seems confident to come back to power in any future competition.

The Sheikh thereby the National Conference has achieved a political dimension, whereby any utterance by him or by them receives a sharp reaction from the opposition parties, Central leadership and the national press. Inder Malhotra comments on one of his utterances in the following words :

"He has sullied his shining secular record by same times encouraging such communal and fundamentalist elements as Jamiat-i-Islami and its more militant student wing, Jamiat-i-Tulba, pondering to the besest instincts by comparing the Moradabad riots in 1980 to Jallianwalla Bagh."²⁴

Though it is well known that it was the Sheikh who did not permit "Islamic Youth Meet" to take place yet the misunderstanding continues. Further it was he who got the J & K Ordinance issued which could curb the communalism. It was the Sheikh who saved the situation in July 1980, when an accident between the army personnel and civilian took place for which the Indian Express editorially commented :

"Mob violence has its own momentum, but the extent and nature of the Srinagar rioting cannot be dismissed as a spontaneous outburst in the heat of the moment."²⁵

Yet on another occasion the Sheikh's remarks were carried too far. Before a public meeting to pay tribute to the Martyrs' of July 13, 1931, he remarked,

24. *The Times of India*, June 3, 1982.

25. *The Indian Express*, July 29, 1980.

"No one would be allowed to enslave us again and interfere in our affairs, whether it was India or Pakistan. If any attempt was made to play with our fate, it would lead to disastrous consequences. We should guard our homeland and hard-earned freedom."²⁶

later Sheikh Abdullah himself rebutted the criticism by saying that removal of one sentence from the context is no justice to his speech.

On the assumption of power by the National Conference it had initiated a drive against corruption, nepotism, favouritism and the like. In the beginning it was successful also. However, in due course of time, the position got back on its wheels. While the opposition leaders echoed the sentiment against the relegation of the administration to corruption, the Sheikh said on July 1, 1980, that the government had launched a crusade against corruption in the State. He however admitted that the evil was so deep-rooted that it would take some time for the government to eradicate it.²⁷ The Chief Minister said the people of the State would never allow such elements (Congress-I) to succeed. These elements ruled the State for 20 years according to him and had subjected the people to untold misery and ruined the economy. The people according to him were now aware of their mis-rule and the manner in which corruption had been allowed to creep into every walk of public life.²⁸ The Sheikh, many times, warned the people of the State against the machinations of certain political opportunists and adventurers, who were out to subvert in the State. He considered these elements to be power hungry elements wanting to barter away the interests of the people for petty gains.²⁹

26. *Ibid.*, July 14, 1980.

27. *The Times of India*, July 2, 1980.

28. *Ibid.*

The Congress (I) some times considered itself waging war against the National Conference on and vice-versa. The National Conference on the one hand considered the Congress interested in toppling its government and it was wooing it at other time. For instance Mufti Syeed, Pradesh Congress President said his party was waging an ideological war with the ruling National Conference. He further added that the Congress (I) would continue to work as a healthy opposition party in the State and expose the failures of the ruling party on all fronts.³⁰ The National Conference at times was harsh in attacking Congress (I) but sometimes tried to woo it. The Staff Correspondent wrote in Times :

"Sheikh Abdullah's ruling National Conference, has started wooing the State unit of the Congress (I) which it had hitherto ignored, and sent out feelers for inducing some of its members into the Cabinet. The offer of representation to the Congress (I) in the State Cabinet was reportedly made by Dr. Farooq Abdullah, Chief Minister's son and recently elected M.P. from Srinagar during talks with party leaders in New Delhi. The Congress (I) are cool to the idea."³¹

Neither the Congress (I) nor the National Conference is or ever have been interested in sharing power. Had they been they could have shared it in 1975, when the Sheikh assumed power with the Congress support.

The National Conference during the regime tried to convert the State to an industrialized zone which at the same time would not endanger its beauty. The J & K Chief Minister, Sheikh Abdullah, urged the Centre to allow multi-nationals and monopoly houses to make investment in his State.

29. *The Indian Express*, July 3, 1980.

30. *Ibid.*, July 16, 1980.

31. *The Times of India*, January, 17, 1980.

He said his State had been getting very little investment, whether in the public or the private sector. Of the rupees, 15,000 Crore investment in the public sector throughout the country, his State's share was not more than Rs. 5 Crores. He said proposals from multi-nationals or firms which come under the Monopolies Act had come from for investment in the State, "As both these are frowned upon, we have considerable difficulties in getting industrial licences." The Chief Minister further said that public sector alone could not fill the gap because it lacked resources. He asked if they could not ease up the restrictions on such firms, at least when they are investing in the backward areas neglected by other investors.³² However, it is worth note that none including National Conference government could change the industrial position in the State so far. The Dal-Hasti Project also for some time, became a controversial problem between the Centre and the State. Later it was resolved.

On economic front the National Conference government has not been success. The rich has become richer and the poor poorer. The reasons to which it was ascribed by the opposition was investment in non-productive schemes. The National Conference leaders from time to time refuted this propaganda of the Congress (I) and the People Conference leadership. The General Secretary of the National Conference once characterized as "unfounded and fantastic" the statements of some opposition leaders that the present government in the State had no clear cut economic development policy and that the ruling party interfered in the working of the single-line administration at various levels. He said it was clear that for achieving a balanced regional development in the State, the government soon after its assumption of power introduced planning at district and block levels with a view to decentralize the planning process. He added that for the purpose representative development bodies at the district levels had been appointed.³³

32. *The Sunday Standard*, August 31, 1980.

33. *The Indian Express*, May 9, 1980.

Whatever the promises in the Manifesto made by the National Conference, the party in August 1981 adopted a resolution demanding the establishment of a National Economic Commission to carry out an integrated examination of the various aspects of planned economy and the price structure. The resolution highlighted the State's achievements in various fields. It was pointed out that the State would achieve self-sufficiency in food grains in another two years, there had been a 145 percent increase in the installed power capacity and more villages had been provided potable water during the last six years. The resolution, however, pointed out that the country was facing grave problems, including those of inflation and falling industrial production. In view of this there was need for checking the price spiral, full utilization of existing capacities, evolving a comprehensive wages and income policy and providing employment avenues for educated and rural youth.³⁴

In its financial relations, the National Conference with the Centre, had a conflict over the allocation of funds over the years. The party alleged a partial treatment by the Central Government with regard to financial relations. Consequently upon this allegation, the Government of India issued a statement explaining the position of the financial relations. According to the statement in first five year plan, Kashmir received rupees thirty whereas the other States received Rupees twenty four per capita financial assistance. Increasing the financial aid in the fifth plan per capita assistance has gone up to one thousand and thirty rupees as against Rs. 102/- only for other States in India. In the Sixth Five Year Plan, the State of J & K got in the way of assistance a sum of Rupees two thousand and fifty per capita, whereas other States received Rupees two hundred and fifty eight only. Consequential upon this liberal assistance to the State, there has been an increase

34. *The Times of India*, August 23, 1981.

of twenty four per cent in per capita incomes, the statement asserted.³⁵

Financial relations apart, the National Conference at the domestic level also faced problems like the State-Centre relations which were in no way of a minor dimension. The politics of districts, apart from many we have discussed earlier, which took one time a serious turn. The genesis of the problem was the decision of the State government to carve out three new district from the existing ones in the Valley in 1979 and some in Jammu and Ladakh. It was officially announced that the district headquarters which had been selected after due deliberation, would be located at Shopian, Budgam and Kupwara. The Revenue Minister visited Shopian on May 8, 1979, and prepared a plan for the new district headquarters. He also made arrangements for acquiring land for the purpose. To the surprise of the people the headquarter was shifted from Shopian to Pulwama, the reason being that it was more centrally located and therefore more easily accessible from all points in the new district.³⁶ This politics of delimitation of new districts occupied the National Conference for about two years. It did not only create problems for the government but also made people to react sharply towards the sentiment of districts. Kishtwar followed the agitation of Shopian—Bandipur, Sopore and people from other places clamoured for a district. Later is politics died its own death.

The Sheikh is not only capacitated to dominate the domestic politics, he has acquired the position to talk on the international politics as well. The Chief Minister Sheikh Abdullah in April 1980 at Poonch said that situation in Afghanistan continued to be tense and the clouds of war loomed large over the sub-continent. However, endorsing the stand taken by

35. *The Aftab*, July 4, 1981.

36. *The Times of India*, May 26, 1981.

the Prime Minister, he said her efforts needed to be supported in the interests of peace. He also confessed that Poonch had suffered due to successive wars in the past, which had affected its economy. The State government, according to him, was making efforts to put the economy of the region on a sound footing.³⁷ At the same time he visualized and expressed in 1981 his fear that super powers may use India and neighbouring countries as the "battle ground" for a third World War.³⁸ He has always been of the opinion that India and Pakistan should live in peace as good neighbours and his slogan has been "Indo-Pak" amity—the flag of Plebiscite Front also indicate it. He once talking about such an amity said,

"Fresh war between India and Pakistan could not help in solving the issue of "Pakistan occupied areas of Kashmir" and was bound to the result in the destruction of both these countries. Constitutionally and legally, Pakistan occupied areas of Kashmir belonged to the J & K State which is now an integral part of the Indian Union and we do not disown those areas. The ultimate solution lies in breaking mental barriers between the two countries."³⁹

In a bid to counter the contention of the President of Pakistan that the northern territories of Gilgit, Skardu and Hunza were integral part of Pakistan, the National Conference government issued a White Paper in May, 1982. Explaining the White Paper the Chief Minister told newsmen that the statement of facts was an effort to set the record straight and place the facts before the world, which clearly showed that these areas were constituent parts of the State of Jammu and Kashmir and that Pakistan's claim to these areas lacked substance. It was contended that along with the British, the

37. *Ibid.*, April 19, 1980.

38. *The Indian Express*, August 27, 1981.

39. *The Statesman*, October 16, 1981.

Kashmir "darbar" had exercised full administrative control over these areas and there was not an iota of doubt it, as evidenced by facts, records and history. That the State of Jammu and Kashmir exercised sovereignty and suzerainty over these areas was also vouchsafed and evidenced by documents and correspondence with the British government and various Treaties, as also facts and de-jure administrative control of the State over these areas.⁴⁰

The Chief Minister asserted that the authentic documents and official records of the pre-1947 period available in the State archives proved the claim of Pakistan as false. Besides, the Chief Minister said, numerous publications by well known and knowledgeable authors supported the fact that these areas were parts of J & K State as it existed on October 31, 1947. The Sheikh said that following Pakistan's claim, questions were being raised about the past history, administrative control and rights of J & K State over the northern areas. In this context he asserted that leaving Zia's claim unchallenged would prove "dangerous". The State government, therefore, thought it proper to put the record straight and place the facts before the world. According to him,

"We have collected the facts so that external affairs ministry is well equipped when it takes up the issue with Islamabad."⁴¹

The statement of facts released by the Sheikh traces the history of the northern areas including Gilgit, which it says, formed an integral part of the territories of Kashmir State from early times.

With regard to the national issues and pursuits the Sheikh and his organization reacts as much in the national interest as in the international affairs. In October, 1981 Sheikh Abdullah

40. *The Times of India*, May 29, 1982.

41. *Ibid.*

said that the fragmented politics of the country does not augur well for its democratic polity. The Sheikh told that the founding fathers of the republic were guided in their deliberations while the Constitution was being framed by certain ideals, and the roles of the four pillars of democracy were well-defined. He said if the value system as defined was eroded, as was happening, the people were in danger of ushering in a totalitarian State. He said, democracy, socialism and secularism were the basic ideals which had guided the peoples' fight against the colonial rulers. He further added, "For smooth functioning of democracy, an anti-defection bill must be passed by parliament without any further delay. This will put a stop to the permissive politics of Aya Ram, Gaya Ram. As it is today we don't know who belong to which political party or ideology. Besides, it amounts to a betrayal of the electorate, who elected such representatives, who unabashedly cross the floor for power and pelf."⁴² He said this tendency among legislators was all the more dangerous because many times and at many places, the ruling parties at the Centre have used money power to buy political power.⁴³

The Chief Minister was very much disillusioned with regard to defection politics. He said that the system of accountability of the legislature to the electorate must be established and well defined. According to him, "It is politically immoral that an entire group crosses the floor and changes its allegiance from one party to another without any remorse just for the reason of remaining in power. Similarly he advocated independent judiciary and condemned the role of the tailor-made bureaucracy. He was distressed to see that the Chief Minister, were foisted on the States, who had no grass-root following. Further the Sheikh was sceptical of the education system in the country which was a legacy of colonial rule, for

42. *The Indian Express*, October 14, 1981.

43. *Ibid.*

which no drastic changes had taken place since 1947. However, the Sheikh was committed to more autonomy to States and according to him the Constitution visualized strong Centre because then the country was facing political instability in the aftermath of the partition. Whereas, he asserted, times have changed and instead of states being allowed more power, even such powers as guaranteed by the Constitution are being curbed.⁴⁴

The National Conference was responsible for the accession of the State of Jammu and Kashmir to India. Consequently, the National Conference and its leadership has time and again stressed that the State's destiny is linked with India. The leadership has asserted that the State could achieve speedier growth only with the cooperation and assistance of the Centre.⁴⁵ Saying that the closer cooperation between the Centre and the State was of "paramount importance" the Sheikh once said the big brother can always help and guide us.⁴⁶ According to the leadership of the National Conference, the State has always desired a closer link with the Centre and it has claimed that Kashmir had always been the citadel of secularism and amity. According to the Sheikh there is a need for strengthening the age old ties of communal amity and brotherhood in the State as the State has provided a unique example of unity and progress. He (Sheikh) once asserted that Kashmir for these reasons is a pride for the entire country.⁴⁷

The visit of Mrs. Indra Gandhi to Srinagar to meet the ailing Chief Minister, Sheikh Abdullah in June 1982, was attached considerable significance, to normalize the personal and State-Centre relations. The two meetings between the leaders were held in an atmosphere of extreme cordiality. It

44. *Ibid.*

45. *The Indian Express*, August 15, 1980.

46. *Ibid.*

47. *Ibid.*

was believed that the Prime Minister broached the issue of Resettlement Bill. In view of the Prime Minister's frankness the Sheikh was unlikely to press for acceptance of the Bill which was waiting the Governor's consent.⁴⁸ The Times of India Correspondent commented,

"This Mrs. Indira Gandhi's four-day visit, which was billed as a rest and relaxation trip, has acted as a tonic for the restoration of familiar and other ties between the Sheikh and the Prime Minister on the one hand and the State and the Centre on the other."⁴⁹

Thus the exordium of the National Conference, the politics of the Plebiscite, the resurrection of the National Conference and its issues and pursuits reveal that the Sheikh and the organization is committed to socialism, secularism and democracy. Further, it is revealed, beyond doubt, that the Sheikh is both the first Indian and the first Kashmiri—in September, 1981, in the State Legislative Assembly he said,

"Nobody should suspect the loyalty of Kashmiris towards India for we have no home other than India, of which we are proud of."⁵⁰

And so has the National Conference determined politics from 1975 to the present.

48. *The Times of India*, June, 27, 1982.

49. *Ibid.*

50. *The Indian Express*, September 16, 1981.

Appendix

THE KASHMIR ACCORD STATEMENT OF SMT. INDIRA GANDHI PRIME MINISTER, IN PARLIAMENT ON JAMMU & KASHMIR ON FEBRUARY 24, 1975

In pursuance of Government's policy to secure the active co-operation and involvement of all democratic, secular and progressive forces in the country it was considered desirable to have a dialogue with Sheikh Mohammad Abdullah. Hon'ble members are aware that Sheikh Abdullah had played a notable part in the freedom struggle and in the accession of the State of Jammu and Kashmir to the Indian Union. He formed and headed the Government of the State for a number of years after independence. Despite the differences which led to the subsequent estrangement it seemed clear from the public statements made by Sheikh Abdullah as well as personal talks with him that his commitment to basic national ideals and objectives had remained unchanged. He reaffirmed that the accession of the State to the Indian Union was final and irrevocable. His main area of concern was about the legal and constitutional changes made after August, 1953.

It was decided that Mirza Afzal Beg, whom Sheikh Abdullah named for the purpose, and Shri G. Parthasarathi, whom I entrusted with the task, should examine these changes in depth and make appropriate recommendations. After extensive discussions they reached agreement on various points which are incorporated in the Agreed Conclusions, a copy of which is placed on the Table of the House. These conclusions formed the subject matter of further discussions at a political level in which Sheikh Abdullah, Syed Mir. Qasim, the Chief

Minister of the State, and Sardar Swaran Singh participated. As a result of these understanding has been reached as disclosed in the letters exchanged between me and Sheikh Abdullah, copies of which are placed on the Table. I shall refer to certain basic features of the understanding.

The Agreed conclusions have been formulated within the framework of the Constitution of India. The constitutional relations between the State of Jammu and Kashmir and the Union will continue as it has been and the extension of further provisions of the Constitution to the State will continue to be governed by the procedure prescribed in Article 370. There will be no weakening of the ties which exist between the Union of India and its constituent units of which the State of Jammu and Kashmir is one. The existing jurisdiction of the Centre to deal with activities directed towards questioning or disrupting the sovereignty and territorial integrity of India, or bringing about cession or secession of any part of the territory of India from the Union, will also continue. It has also been agreed that any amendment of the Constitution of the State on certain specified matters of importance will not become effective unless the assent of the President is obtained. The Agreed Conclusions seek to reassure the State that in case the State Government comes up with any proposal to change any Central law made after 1953 on matters in the Concurrent List, such as social welfare measures, cultural matters, social security, procedural laws and the like, the grant of assent to the Bill will be sympathetically considered.

A proposal was made by Mirza Afzal Beg that the jurisdiction of the Supreme Court in relation to the State should be curtailed. This was not accepted as it is considered important that the Supreme Court should continue to have original and appellate jurisdiction in the matter of writs, appeals and other matters. However, it was agreed by collateral letters (copies of which are placed on the Table) that the provision in Article 132(2) enabling the Supreme Court to grant

special leave on the refusal of a certificate by the High Court need not apply to the State. Action on this will, however, be taken only when the State Government comes up with a proposal in this behalf.

Hon'ble Members will notice that, the question of nomenclature of the Governor and the Chief Minister not be settled. This is a matter which is provided for in the State Constitution which at present used the expressions "Governor" and "Chief Minister". A change in the nomenclature can be made only by the amendment of the State Constitution by the State Legislature. So far as the Chief Minister is concerned, there should be no objection to the adoption of the designation 'Wazir-e-Azam' in the State if the Legislature of the State of Jammu and Kashmir amends the Constitution accordingly. Until this is done, the present designation would continue.

Sheikh Abdullah was very anxious that, to start with, the constitutional relationship between the State and the Centre should be as it was in 1953 when he was in power. It was explained to him that the clock could not be put back in this manner. Mirza Afzal Beg pressed for the transfer of provisions relating to the Fundamental Rights to the State Constitution the removal of the supervision and control of the Election Commission of India over elections to the State Legislature, and the modification of Article 356 to require the State Government's concurrence before imposing President's Rule in the State. It was not found possible to agree to any of these proposals. I must say to the credit of Sheikh Abdullah that despite his strong views on these issues, he was accepted the Agreed Conclusions.

The State Government is in agreement with the understanding reached and the approach in regard to political cooperation with Sheikh Sahib and his followers, as being in the interests of the State and the country.

Hon'ble Members will have seen the statement made by

Mirza Afzal Beg on February 6, 1975 to the effect that in the changed circumstances plebiscite has become irrelevant and that the name and objectives of the Plebiscite Front have to be changed accordingly. We have been informed that the statement was endorsed at the recent meeting of the Executive Committee of the party and that Mirza Afzal Beg has been entrusted with the task of calling a meeting of the General Body of the Front for taking the necessary follow up action in this regard.

As is disclosed in the letters exchanged, Sheikh Abdullah has stated in clear terms that the future of Jammu and Kashmir lies with India and that as one who cherishes the ideals of democracy, secularism and socialism, he has come forward with his co-operation with a view to further strengthen the bond between the State and the Union. We have every confidence that he will make his own distinctive contribution to the task of strengthening the nation and sustaining its ideals.

The settlement that has been reached is an entirely domestic matter. It has been the endeavour of Government to find satisfactory solutions for political problems in a spirit of conciliation. The manner in which differences with Sheikh Abdullah have been resolved shows the utility of the functioning of our democracy. It is my sincere hope that the agreement will open new era of understanding and cooperation with those in the State of Jammu and Kashmir who had not associated themselves with the main stream of national life during the last two decades. It will also amply demonstrate the identity of interests and ideals of the people of the State with those in the rest of India and mark a milestone in the onward march of our nation.

AGREED CONCLUSIONS

1. The State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the state; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an Order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relating to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to the laws to be made by Parliament in future under the proviso to Clause 2 of that Article; the State Government shall be consulted regarding the application of any such law to the State and views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided Article 368, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:

(a) the appointment, powers, functions, duties, privileges and immunities of the Governor; and

(b) the following matters relating to Election by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative Council, being matters specified in Section 138, 139, 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and Chief Minister and matter is therefore remitted to the Principals.

Mirza Mohammad Afzal Beg, G. Parthasarathi
New Delhi,
Dated Nov 18, 1974

Copy of a letter of Sheikh Mohammad Abdullah to the Prime Minister.

3, Kotla Lane,
New Delhi,
Dated 11-2-75

My dear Prime Minister,

I have seen the text of the conclusions reached between Shri G. Parthasarathi and Mirza Mohammad Afzal Beg on the various constitutional issues concerning the Centre-State

relationship between the State of J & K and the Union of India. I have studied the document and have also had discussions with you. As you are aware, it is my view that the constitutional relationship between the Centre and the State of J & K should be what it was in 1953. Nevertheless, I am happy to say that the Agreed Conclusions provide of good basis of my co-operation at the political level and for Centre-State relationship.

I appreciate that the main purpose of the dialogue was to remove misapprehension on either side to ensure that the bond between the Union and the State is further strengthened and to afford to the people of the State full scope for understanding social welfare and development measures.

The accession of the State of J & K to India is not a matter in issue. It has been my firm belief future of J & K lies with India because of the common ideals that we share. I hope you would appreciate that the sole reason for my agreeing to co-operate at the political and governmental levels is to enable the State Government to initiate for the well-being of the people of the State which I have always considered as my sacred trust. It will be my constant endeavour to ensure that the State of J & K continues to make its contribution to the sovereignty, integrity and progress of the Nation. By the same token, I am sure that the Central government would co-operate with the State Government fully in respect of measures to be undertaken by the State Government to further the progress and welfare of the people of the State as an integral part of India.

The country is passing through a critical period and it is all the more necessary for all of us who cherish the ideals of democracy, secularism and socialism, to strengthen your hands as the leader of the Nation and it is in this spirit that I am offering my whole-hearted co-operation.

Yours sincerely,

Sd/-

(S.M. Abdullah)

Shrimati Indira Gandhi,
Prime Minister of India,
New Delhi.

Copy of the Prime Minister's letter to Sheikh Mohammad Abdullah.

New Delhi,
February 12, 1975.

Dear Sheikh Saheb,

I am happy to receive your letter expressing your concurrence with the conclusions reached between Mirza Mohammad Afzal Beg and Shri G. Parthasarathi, on certain constitutional aspects of the relationship of the Centre with the State of Jammu & Kashmir and offering your wholehearted co-operation at the political and governmental level to further promote the well-being of the people of the State of J & K. I am aware of your views of Centre-State relationship in respect of the State of J & K. I have already explained to you that the clock cannot be put back and we have to take note of the realities of the situation. I am appreciative of the spirit in which you have expressed your agreement with the terms of the Agreed Conclusions.

The Agreed Conclusions have been examined and I am in a position to inform you that such appropriate executive action may be necessary to give effect to them will be taken. I have been in close touch with the Chief Minister of the State who is in agreement with the approach in regard to political co-operation with you and the understanding reached about the relationship of the State with the Union.

The Central Government would undoubtedly continue to co-operate with the State Government fully in respect of measures to be undertaken by the State Government to further the progress and welfare of the people of the State, which is of equal concern to the Central Government.

As pointed out by you, the country is passing through a critical period and it is a matter of great satisfaction to me that a person of your stature who made an outstanding

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contribution during the freedom struggle should come forward again and co-operate in the task of strengthening the national and sustaining the ideals.

Yours sincerely,
Sd/-
(Indira Gandhi)

Sheikh Mohd. Abdullah,
3, Kotla Lane,
New Delhi.

Copies of Collateral letters

November 13, 1974.

Dear Shri Parthasarathi,
In the course of our discussion, I made a proposal that appeals to the Supreme Court under Article 132 of the Constitution of India from the decision of the High Court of Jammu and Kashmir, should lie only on a certificate under clause (1) of that Article. After a detailed discussion on this, you had agreed to the proposal and stated that it can be implemented by order under Article 370 making suitable modification or the modifications made under Article 367.

Kindly acknowledge receipt of this letter.

Yours sincerely,
Sd/-
(Mirza Mohammad Afzal)

Shri G. Parthasarathi,
31, Aurangzeb Road,
New Delhi.

Dear Beg Saheb,

I acknowledge receipt of your letter dated the 13th November, 1974. The proposal referred to therein was discussed between us at length and agreed to by me. It can be implemented by an appropriate Order of the president in accordance with the procedure prescribed under Article 370.

Yours sincerely,
Sd/-
(G. Parthasarathi)

Mirza Mohammad Afzal Beg,
Camp : New Delhi.

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